

REMARKS/ARGUMENTS

Applicants thank the Examiner for the thorough examination of the claims as evidenced in the Office Action dated July 15, 2005. Applicants respectfully request reconsideration of the rejections to the claims contained therein.

Claims 1-19 are pending in this application.

The Examiner rejected claims 1-3, 9-15, and 17-19 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent Application No. 2004/0068372 to Ybarra, et al. The Examiner also rejected claims 4-8 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Ybarra in view of U.S. Patent No. 6,085,147 to Myers or U.S. Patent Application Pub. No. 2004/0024500 to Campbell. Applicants respectfully traverse these rejections.

Ybarra discloses a threat avoidance system that uses various inputs to determine a threat to an aircraft. The system permits the adjustment of the inputs based upon different flight scenarios (see paragraphs 0038-0049, for example). However, Ybarra does not disclose alerting a pilot of the aircraft if the probability that the aircraft will not maintain the distance from the identified hazards *is greater than a predetermined level*, as recited in applicants' claim 1. As pointed out by the Examiner in the most recent Office Action, Ybarra discusses assessing collision risk and providing alerts to the flight crew corresponding to the risks (see paragraph 0033). However, there is no discussion of a probability threshold that determines whether an aircraft pilot is alerted to a probability of breaching a separation distance, as recited in Applicants' claim 1. Claim 1 is therefore allowable.

Independent claim 11 contains subject matter similar to allowable claim 1 and is allowable for the same reasons claim 1 is allowable. Specifically, Ybarra does not disclose advising a pilot of the aircraft if the possibility that the aircraft will not maintain the distance from the identified hazards *is above a predetermined threshold*, as recited in applicants' claim 11. Although Ybarra discusses assessing collision risk and providing alerts to the flight crew corresponding to the risks (see paragraph 0033), there is no discussion of a possibility threshold that determines whether an aircraft pilot is advised of a possibility of breaching a separation distance. Claim 11 is therefore allowable.


Claims 12-17 depend directly or indirectly from allowable claim 11 and are therefore allowable for at least the same reasons claim 1 is allowable.

With respect to claim 17, applicants note that Ybarra discloses a threat avoidance system that protects against terrain, traffic, and weather hazards. Ybarra does not disclose or suggest accessing information relative to areas of *restricted airspace proximal the aircraft*, as recited in applicants' claim 17. Contrary to the Examiner's assertions, paragraph 0024 of Ybarra describes airport data as including "terrain data associated with an airport and descriptions of approaches and run ways into airports the aircraft is expected to have access to during the mission." There is no mention of restricted airspace proximal the aircraft, as asserted by the Examiner. Claim 17 is therefore allowable.

Amended claim 18 recites subject matter similar to allowable claim 10. Claim 18 now recites a visual notification apparatus configured to highlight at least one of a graphical representation of a potential hazard and at least part of a graphical representation of the flight path of the aircraft, to thereby advise of the possibility of a violation of any of the required separation distances. As previously pointed out, Paragraph 0025, cited by the Examiner against the recited limitations of amended claim 18, merely states that the threat processor 106 provides advice via signals to displays 152 and audio annunciators 154. Such a statement does not anticipate or suggest highlighting a graphical representation of a potential hazard, or at least part of a graphical representation of the intended path of the aircraft, as recited in applicants' claim 18. Claim 18 is therefore allowable. Claim 19 depends from allowable claim 18 and is therefore allowable for at least the same reasons claim 18 is allowable.

Accordingly, with entry of the amendments and consideration of the arguments and remarks contained herein, all pending claims are now allowable, and a notice of Allowance is earnestly solicited. The Examiner is invited to contact the undersigned attorney if further issues remain in the prosecution of this application.

Respectfully Submitted,


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